

Vital Herb Farm, LLC
Record Number: PLN-12345-SP
Assessor's Parcel Number: 221-221-012

Recommended Zoning Administrator Action:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and Lot Line Adjustment based on evidence in the staff report, and adopt the Resolution approving the Vital Herb Farm, LLC, Special Permit and Lot Line Adjustment subject to the recommended conditions.

Executive Summary: The applicant is seeking a Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation. The project will be supported by 984 square feet of propagation space. Currently, the total cultivation space on the parcel only equates to 9,617 square feet. To maximize their cultivation area, the applicant will be permitted to cultivate full term plants in 383 square feet of the proposed 600 square foot propagation greenhouse located in the southeast corner of the parcel. The applicant will utilize light deprivation techniques to achieve two harvests annually. All processing will occur onsite, and the applicant may utilize up to 2 employees. The applicant is proposing to construct a 600 square foot processing structure. A condition of approval for the project requires the applicant to either 1) obtain a commercial processing structure, 2) begin trimming and packaging offsite at a licensed third-party processing facility, or 3) revise their operations plan to reflect no employees in the operations and process onsite in a permitted structure (**General Condition A.6**).

The applicant is also proposing a Lot Line Adjustment with the neighboring parcel to the east (APN 221-221-023). The completion of the Lot Line Adjustment would allow the applicant to maintain all cultivation on a single parcel and would allow for more beneficial and valuable land use opportunities for both property owners. The Lot Line Adjustment would result in two parcels of approximately 40 acres.

Timber Conversion Report

The project was referred to CAL Fire which recommended that a Timber Conversion Evaluation Report be submitted. A *Conversion Mitigation Report* dated May 24, 2019, prepared by Natural Resources Management which documented all conversion activities as having occurred prior to 2011. The report was reviewed by CAL FIRE which stated it had no additional comments regarding the project.

Water Resources

Water for irrigation is sourced from a rainwater collection system. The residence and garage on the southeast corner of the property are equipped with a rainwater collection system and there is a 700-gallon rainwater collection tank. The combined surface area for these structures totals 2,652 square feet.

The applicant is proposing to install an additional rainwater catchment system on the second residence with a surface area of 1800 square feet. The estimated annual water usage for the project is 60,000 gallons (6.0 gal/SF). Existing available water storage totals 70,600 gallons and additional water storage is proposed. To ensure there is adequate irrigation water, provided solely by the rainwater collection system, to support the project the applicant will install a metering device at the point of withdrawal from the rainwater collection tanks. The applicant will maintain a weekly record of water used for cultivation. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be kept onsite and made available at the applicant's annual inspection (**General Condition A.7**).

The project was referred to the Division of Environmental Health (DEH) who recommended that the applicant provide a written assessment from a qualified septic consultant confirming a minimum of tier 0 status for the existing onsite wastewater treatment system. This recommendation has been included as a condition of approval (**General Condition A.8**).

Energy Resources

Energy for the project will be supplied by 20 solar panels, which includes (6) 165-watt panels, (2) 185-watt panels, and (12) 175-watt panels. A 3kW portable generator is onsite to provide supplemental energy. The portable generator is primarily used to power a pump for fertilizer and a sprayer for pest management when used away from the solar system. Energy is required to power lights in the propagation greenhouses and machines used in the drying process.

Biological Resources

The project site contains a Class II intermittent watercourse, Powell Creek, and four Class III ephemeral watercourses. A review of the California Natural Diversity Database (CNDDDB) found that there are no special status plant or animal species, or species of special concern, mapped on the subject parcel. The nearest Northern Spotted Owl activity center mapped in the CNDDDB is located over 2 miles southeast of the project site and is unlikely to impact the species. A condition of approval for the project will require the applicant to maintain project related noise below 50 decibels (**Ongoing Requirement B.1**). The project is also conditioned to adhere to International Dark Sky Standards, the supplemental lighting used in the propagation greenhouse shall not escape at a level that is visible from neighboring properties between sunset and sunrise (**Ongoing Requirement B.2**).

The project is located in the Cape Mendocino Planning Watershed which under Resolution 18-43 is limited to 650 permits or 223 acres, whichever occurs first. With the approval of this project the total approved permits in this Planning Watershed would be 207 permits and the total approved acres would be approximately 72.46 acres of cultivation.

Improvements have been recommended within the applicants *Water Resource Protection Plan* to improve hydrology and protect water quality. The applicant is required to implement the recommendations made within the report (**General Condition A.9**). The project was referred to the California Department of Fish and Wildlife, although no response was received. The applicant has entered into a *Lake and Streambed Alteration Agreement*, the applicant is required to adhere to all provisions of the agreement (**Ongoing Requirement B.17**).

Tribal Cultural Coordination

The subject parcel is located in the aboriginal territory of the Intertribal Sinkyone Wilderness Council and the Bear River Band of the Rohnerville Rancheria. The project was referred to both tribes and received a response from the Bear River Band requesting that the applicant adhere to the inadvertent discovery protocol. This recommendation has been included as a condition of approval (**Ongoing Requirement B.19**).

Access

Access to the site is taken from Briceland-Thorne Road, a county- maintained road, to China Creek Road. From China Creek Road, access is provided by Hidden Prairie Road, and the project site is accessed by a driveway off East Fork Road. A *Road Evaluation Report* was prepared by Omsberg & Preston, dated December 18, 2018. The report found that the access roads can accommodate the increased traffic from the existing project, however, there are necessary road improvements required to increase safety on these roads. A condition of approval will require the applicant to complete the recommendations outlined in the report which include (**General Condition A.10**).

The project was referred to the Department of Public Works which requested that the applicant be required to maintain the location where Briceland-Thorne Road meets China Creek Road in accordance with the Sight Visibility Ordinance, and that the applicant be required to pave the location where Briceland-Thorne Road and China Creek Road intersect. The applicant will not be required to pave this intersection as that work was previously completed by another applicant. A condition of approval will require the applicant to maintain the intersection in accordance with the Sight Visibility Ordinance. This has been included as a condition of approval (**Ongoing Requirement B.18**).

Environmental review for this project was conducted and based on the results of that analysis, staff find that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (see Attachment 2 for more information).

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 211 permits and the total approved acres would be 75.02 acres of cultivation.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

RECOMMENDATION: Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.